

2009 DRAFTING REQUEST

Bill

Received: **11/06/2008**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Insurance - health
Public Assistance - med. assist.
Health - AIDS**

Extra Copies: **TJD**

Submit via email: **NO**

Pre Topic:

DOA:.....Jablonsky, BB0198 -

Topic:

Eligibility of childless adults for HIRSP HIV/AIDS program

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 11/07/2008	jdye 11/10/2008		_____			State
/1			rschluet 11/10/2008	_____	lparisi 11/10/2008		State
/2	pkahler 01/29/2009	nnatzke 01/29/2009	jfrantze 01/29/2009	_____	cduerst 01/29/2009		

FE Sent For:

<END>

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cc. to Krista Willing at DOA

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/1		<i>1/2 nwn</i> 11/29	rschluet 11/10/2008		lparisi 11/10/2008		

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Jb
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50 ← number

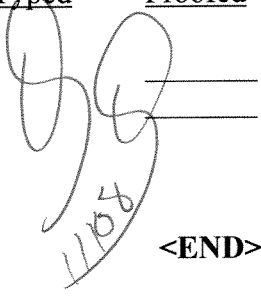
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/?	pkahler	1/10 jld					

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: HIRSP Pilot Program Eligibility
- Tracking Code: BB198
- SBO team: Health and Insurance
- SBO analyst: Sue Jablonsky
 - Phone: 7-9546
 - Email: Sue.Jablonsky@Wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): High

Intent: Ensure that people who on the DHS childless adult MA expansion are not excluded from the HIRS pilot program where people from the AIDS drug reimbursement program have been placed on HIRSP See attached paper.

In addition, make the HIRSP pilot program permanent.

HIV/AIDS HIRSP Pilot Eligibility

Decision Needed

Should the Department request a modification of current language governing the HIV/AIDS HIRSP pilot program to ensure that individuals who are eligible for the BadgerCare Plus/Childless Adults program are not excluded from the pilot or from HIRSP?

Background

The Department reimburses individuals with incomes at or below 300% of poverty who have been certified by a physician to be HIV positive for HIV/AIDS-related drug therapies. The Department may also purchase health insurance for these individuals if they have lost health insurance which they originally obtained through their workplace because their illness prevented them from working.

The 2007-09 biennial budget authorized an expansion of eligibility for the insurance program by creating the Health Insurance Risk-Sharing Plan (HIRSP) pilot program. The pilot program expands eligibility for the HIV/AIDS insurance premium program to individuals who have not had health insurance through a workplace and who were, therefore, previously not eligible. Under the pilot, the Department is authorized to pay HIRSP premiums for these individuals.

The Department also is in the process of implementing the BadgerCare Plus/Childless Adults program, which allows individuals who do not have minor children living in the home and who have incomes below 200% FPL to enroll in Medicaid and receive a core benefit package.

The Department would like to ensure that individuals cannot be excluded from the HIRSP pilot (and by extension the HIRSP program) because of their eligibility for Childless Adults.

Current Language

Section 49.686 (6) allows individuals to enroll in the HIRSP pilot if, among other conditions, they do not have "health insurance" coverage. The Department does not consider Medical Assistance to be "health insurance" as it is defined in the statutes; however, it would be preferable to include language that makes that clear for Childless Adults enrollees.

Proposed Change

To ensure that Childless Adults enrollees are not excluded from the HIRSP pilot, current language could be amended to state that individuals who satisfy the requirements for the pilot program shall

not be excluded from participation in the pilot program if they are eligible for benefits under Childless Adults.

Desired Effective Date: Upon passage of the Biennial Budget
Agency: DHS
Agency Contact: Ellen Hadidian
Phone: 267-5147



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0670/

PJK.....

LPS - fix request sheet please

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DOA:.....Jablonsky, BB198 - Eligibility of childless adults for HIRSP
HIV/AIDS program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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1

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS is required to conduct a program (childless adult program) providing health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for the Medical Assistance program or Medicare.

Also under current law, DHS administers an AZT-reimbursement program under which DHS reimburses eligible individuals who have a human immunodeficiency virus (HIV) infection for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. In addition, DHS is required to conduct a three-year pilot program under which DHS may pay premiums for coverage under the Health Insurance Risk-Sharing Plan (HIRSP), and copayments under HIRSP for drugs eligible for reimbursement under the AZT-reimbursement program, for up to 100 individuals at any given time who are eligible for the AZT-reimbursement program and who do not have health insurance coverage. HIRSP is, generally, a health insurance program administered by the HIRSP Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and

persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions.✓

This bill provides that persons with coverage under the childless adult program are not ineligible, by reason of that coverage, for the pilot program under which DHS may pay premiums and drug copayments under HIRSP for persons with HIV.✓ The bill also makes that pilot program a permanent program.✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.686 (6) (title) of the statutes is amended to read:

2 49.686 (6) (title) HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM✓

3 COVERAGE.

History: 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3061 to 3062d; Stats. 1995 s. 49.686; 1997 a. 27; 2001 a. 81; 2007 a. 20, 89.

4 **SECTION 2.** 49.686 (6) (a) (intro.) of the statutes is amended to read:

5 49.686 (6) (a) (intro.) Subject to par. (b), the department shall conduct a 3-year✓
6 pilot program, to begin on January 1, 2008, under which the department may pay
7 premiums for coverage under the Health Insurance Risk-Sharing Plan under subch.
8 II of ch. 149, and pay copayments under that plan for prescription drugs for which
9 reimbursement may be provided under sub. (2), for individuals who satisfy all of the
10 following:

History: 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3061 to 3062d; Stats. 1995 s. 49.686; 1997 a. 27; 2001 a. 81; 2007 a. 20, 89.

11 **SECTION 3.** 49.686 (6) (am) of the statutes is created to read:

12 49.686 (6) (am) Notwithstanding par. (a) 1. and 3. and sub. (3) (d), an individual
13 who is receiving benefits under the childless adult program described in s. 49.45 (23)
14 is not ineligible for the program under this subsection solely by reason of being
15 eligible for and receiving those benefits.✓

16 **SECTION 4.** 49.686 (6) (b) of the statutes is amended to read:

1 49.686 (6) (b) The pilot[✓] program shall be open to a minimum of 100 participants
2 at any given time[✓], with more participants if the department determines that it is
3 cost-effective.

History: 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3061 to 3062d; Stats. 1995 s. 49.686; 1997 a. 27; 2001 a. 81; 2007 a. 20, 89.

4 **SECTION 5. 49.686 (6) (c) of the statutes is amended to read:**

5 49.686 (6) (c) The department may promulgate rules for the administration of
6 the pilot[✓] program. Notwithstanding s. 227.24 (3), rules under this paragraph may
7 be promulgated as emergency rules under s. 227.24 without a finding of emergency.[✓]

History: 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3061 to 3062d; Stats. 1995 s. 49.686; 1997 a. 27; 2001 a. 81; 2007 a. 20, 89.

8 **(END)**

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Krista Willey

makes pilot
permanent but take

out other change

LRB-06 70



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0670/1

PJK:jld:rs

jld & nwn
r m is nwn

DOA:.....Jablonsky, BB0198 - Eligibility of childless adults for HIRSP
HIV/AIDS program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ... relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS is required to conduct a program (childless adult program) providing health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for the Medical Assistance program or Medicare.

Also under current law, DHS administers a program under which DHS reimburses eligible individuals who have a human immunodeficiency virus (HIV) infection for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. In addition, DHS is required to conduct a three-year pilot program under which DHS may pay premiums for coverage under the Health Insurance Risk-Sharing Plan (HIRSP), and copayments under HIRSP for drugs eligible for reimbursement under the AZT-reimbursement program, for up to 100 individuals at any given time who are eligible for the AZT-reimbursement program and who do not have health insurance coverage. HIRSP is, generally, a health insurance program administered by the HIRSP Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been

make
refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions.

This bill provides that persons with coverage under the childless adult program are not ineligible, by reason of that coverage, for the pilot program under which DHS may pay premiums and drug copayments under HIRSP for persons with HIV. The bill also makes that pilot program a permanent program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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2 49.686 (6) (title) HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM

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49.686 (6) (b) The pilot program shall be open to a minimum of 100 participants at any given time, with more participants if the department determines that it is cost-effective.

SECTION 5. 49.686 (6) (c) of the statutes is amended to read:

49.686 **(6) (c)** The department may promulgate rules for the administration of the pilot program. Notwithstanding s. 227.24 (3), rules under this paragraph may be promulgated as emergency rules under s. 227.24 without a finding of emergency.

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0670/2
PJK:jld&nwn:jf

DOA:.....Jablonsky, BB0198 - Eligibility of childless adults for HIRSP
HIV/AIDS program

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This bill makes the pilot program under which DHS may pay premiums and drug copayments under HIRSP for persons with HIV a permanent program.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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19 **(END)**